

U S Serial No. 10/680,269
Amendment Dated April 29, 2005
Response To Office Action Dated December 30, 2004

REMARKS

The pending application was filed on October 7, 2003 with claims 1-33. This amendment is filed with a request for extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate fees. The Examiner issued a Non-Final Office Action dated December 30, 2004 rejecting claims 1-33. In particular, the Examiner rejected claims 5-9 and 14 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner also rejected claims 17 and 22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1-9, 13, 14, and 27-30 under 35 U.S.C. §102(b) over United States Patent No. 291,693 to *Cole*. The Examiner also rejected claims 15-18 under 35 U.S.C. §102(b) as being unpatentable over United States Patent No. 3,916,517 to *Luongo*. The Examiner rejected claims 10, 11, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Cole*, rejected claims 12 and 33 under 35 U.S.C. §103(a) as being unpatentable over *Cole* in view of United States Patent No. 5,162,615 to *Schrader et al.*, and rejected claims 19-24 and 26 under 35 U.S.C. §103(a) as being unpatentable over *Luongo*.

Claims 1-12 and 14-33 remain pending in the patent application. Claim 13 has been canceled without prejudice. Claim 34 has been added. In view of the arguments set forth below, claims 1-12 and 14-34 are allowable, and the Examiner is respectfully requested to withdraw the rejections and issue a timely Notice of Allowance.

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I. CLAIM OBJECTIONS

The Examiner objected to claims 5-9 and 14 under 37 CFR 1.75 (c) as being improper dependent form for failing to further limit the subject matter of a previous claim. Claims 5-9 and 14 have been amended to directly or indirectly depend from newly added claim 34. The limitations contained in claims 5-9 and 14 further limit the positively claimed pin claimed in newly added claim 34. Therefore, the Examiner is respectfully requested to withdraw the objection.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Examiner rejected claims 17 and 22 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that recitation of "the at least one cavity" renders the claim indefinite since the phrase does not distinguish between the subject matter of the "at least one cavity of the body" and "the at least one pin cavity." The Examiner also stated that the phrase "between about 0.75 of an inch" is incomplete because another data point is not provided in order to establish range for the pin to extend from the crimp.

Claim 17 has been amended to recite, in relevant part, to recite "the at least one fishing line receiving cavity" Claim 22 has been amended by removing the word "between." Therefore, the Examiner is respectfully requested to withdraw the rejection

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III. CLAIM REJECTIONS UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-9, 13, 14, and 27-30 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 291,693 to *Cole*. The Examiner stated that *Cole* discloses a crimp in Figures 1, 3, and 4 formed from a body having at least one cavity extending through the body and adapted to receive at least two diameters of a line and adapted to receive at least one pin extending from the at least one body. The Examiner also made numerous additional statements that were recitations of the claim elements of the other rejected claims.

Independent claims 1, 15, and 27 have been amended. More specifically, independent claim 1 has been amended to read "[a] crimp for a fishing line, comprising: a body having at least one fishing line receiving cavity extending through the body and adapted to receive at least two diameters of the fishing line; and at least one pin cavity adapted to receive at least one pin, wherein the at least one pin extends from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." In contrast, *Cole* does not disclose a crimp for a fishing line. Rather, *Cole* discloses a rope clamp for securing ropes. In addition, *Cole* does not disclose "at least one pin cavity adapted to receive at least one pin, wherein the at least one pin extends from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." Furthermore, *Cole* does not disclose a "fishing line receiving cavity," as claimed in amended, independent claim 1. Thus, for at least these reasons, amended independent claim 1, and those claims depending therefrom, are patentable.

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Amended, independent claim 15 recites "[a] crimp for a fishing line, comprising: a body having at least one fishing line receiving cavity extending through the body, wherein the at least one fishing line receiving cavity is formed from at least two opposing sidewalls shaped to receive at least two diameters of the fishing line; at least one pin cavity adapted to receive a pin; and at least one pin positioned in the at least one pin cavity and extending from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." In addition to the differences noted above for claim one, claim 15 also recites "at least one pin positioned in the at least one pin cavity and extending from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp," which is not disclosed in *Cole*. Rather, *Cole* discloses a rope clamp. Thus, for at least these reasons, independent claim 15, and those claims depending therefrom are patentable, and the Examiner is respectfully requested to withdraw the rejection.

Claim 27 has similarly been amended to read "[a] crimp for a fishing line, comprising: a body having at least one fishing line receiving cavity extending through the body, wherein the at least one fishing line receiving cavity is formed from at least two opposing sidewalls shaped to receive at least two diameters of the fishing line; and at least one pin positioned in the at least one pin cavity and extending from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." *Cole* does not disclose "a body having at least one fishing line receiving cavity," nor does *Cole* disclose "at least one pin positioned in the at least one pin cavity and extending from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp."

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Thus, for at least these reasons, amended, independent claims 1, 15, and 27, and those claims depending therefrom, are patentable, and the Examiner is respectfully requested to withdraw the rejection.

The Examiner rejected claims 15-18 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3,916,517 to *Luongo*. The Examiner stated that *Luongo* discloses a crimp having the claimed elements. As discussed immediately above, amended, independent claim 15 is directed to a crimp for a fishing line. In stark contrast, *Luongo* discloses a clamp for terminating an electrical conductor. Furthermore, *Luongo* does not disclose "at least one pin" or "at least one pin positioned in the at least one pin cavity and extending from the at least one body to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." Rather, *Luongo* discloses an electrical conductor (30) attached in second chamber (24). Thus, *Luongo* does not disclose many of the claimed elements of amended claim 15. Therefore, for at least these reasons, amended, independent claim 15, and dependent claims 16-18 are allowable, and the Examiner is respectfully requested to withdraw the rejection.

IV. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 10, 11, 31 and 32 under 35 U.S.C. §103(a) as being as being unpatentable over *Cole*. The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the body to have a length between about 0.25 of an inch and 1.0 inch. The Examiner also stated that the

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limitation of the body having a length of about 0.35 of an inch is generally within the routine skill in the art adequate for the claimed device to perform its structural purpose for securing an article or a plurality of articles in a cavity.

Claims 10 and 11 depend from amended, independent claim 1, which is allowable for at least the reasons previously discussed, and claims 31 and 32 depend from amended, independent claim 27, which is allowable for at least the reasons previously discussed. Therefore, claims 10, 11, 31, and 32 are allowable, and the Examiner is respectfully requested to withdraw the rejection.

The Examiner rejected claims 12 and 33 under 35 U.S.C. §103(a) as being unpatentable over *Cole* in view of United States Patent No. 5,162,615 to *Schrader et al.* The Examiner stated that *Cole* discloses the claimed crimp, but admitted that *Cole* does not disclose the body of the crimp being formed from aluminum, bronze, and stainless steel. The Examiner stated that *Schrader et al.* discloses that the crimp disclosed therein may be formed from aluminum.

Claim 12 depends from amended, independent claim 1, which is allowable for at least the reasons previously discussed, and claim 33 depends from amended, independent claim 27, which is allowable for at least the reasons previously discussed. Furthermore, neither reference discloses that a crimp may be formed from bronze or stainless steel. Therefore, claims 12 and 33 are allowable, and the Examiner is respectfully requested to withdraw the rejection.

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The Examiner rejected claims 19-24 and 26 under 35 U.S.C. §103(a) as being unpatentable over *Luongo*. The Examiner stated that *Luongo* discloses the claimed crimp but admitted that *Luongo* does not disclose that a pin having a diameter of between about 0.015 of an inch and about 0.045 of an inch and having a diameter of about 0.03 of an inch. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a pin having these sizes. The Examiner also concluded that body length, pin length, and material forming the body are design choices and not patentable.

Claims 19-24 and 26 depend, directly or indirectly, from amended, independent claim 15. Independent claim 15 is patentable for at least the reasons previously set forth. Therefore, claims 19-24 and 26 are patentable as well, and the Examiner is respectfully requested to withdraw the rejection.

V. NEW CLAIM

Claim 34 has been added and states "the crimp of claim 1, further comprising at least one pin extending from the at least one pin cavity to assist in the attachment of a baitfish to a hook positioned in close proximity to the crimp." Timely examination of newly added claim 34 is requested together with consideration of the statements made in the Amendment and Response. In addition, claim 34 depends from amended, independent claim 1, which is allowable from the reasons stated above. Thus, the Examiner is respectfully requested to allow claim 34.

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CONCLUSION

For at least the reasons given above, claims 1-12, 14-34 define patentable subject matter and are thus allowable. The undersigned representative thanks the Examiner for examining this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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Attorney Docket No.: 6053-94

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